

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STACY D. BRYANT,

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of
Social Security,**

Defendant.

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Civil Action 07-00720-CG-B

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge, made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated March 18, 2008, is hereby **ADOPTED** as the opinion of this Court.

Accordingly, for good cause shown, it is **ORDERED** that Defendant's unopposed Motion and Memorandum for Entry of Judgment Pursuant to Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to the Defendant (Doc. 12) be and hereby is **GRANTED**, and that this action is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) so that the Appeals Council will remand the case to an Administrative Law Judge to conduct a hearing and "to further review the medical source opinions, specifically considering and assigning weigh[t] to the residual functional capacity assessment completed by Dr. Fleet on August 18, 2005 . . . and providing rationale with specific references for the weight given to the medical opinions." (*Id.* at 1-2).

This remand, pursuant to sentence four of Section 405(g), makes Plaintiff a prevailing

party for purposes of the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. Shalala v. Schaefer, 509 U.S. 292 (1993).

DONE and ORDERED this 8th day of April, 2008.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE